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COMMONWEALTH OF KENTUCKY

SEP 17 2004

BEFORE THE PUBLIC SERVICE COMMISSION
PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

JOINT APPLICATION OF LOUISVILLE GAS)
AND ELECTRIC COMPANY, METRO HUMAN)
NEEDS ALLIANCE, PEOPLE ORGANIZED AND)
WORKING FOR ENERGY REFORM AND) CASE 2004 - 00304
KENTUCKY ASSOCIATION FOR COMMUNITY)
ACTION FOR THE ESTABLISHMENT OF A)
HOME ENERGY ASSISTANCE PROGRAM)

**REQUEST OF ROBERT L. MADISON FOR RECONSIDERATION OF
PSC ORDER DATED 25 AUG 2004**

IN ACCORDANCE WITH KRS 278.400, THIS IS THE REQUEST OF ROBERT L. MADISON FOR RECONSIDERATION OF A PSC ORDER DATED 25 AUG 2004. THE SPECIFIC ISSUES I AM REQUESTING RECONSIDERATION ON ARE THE DENIAL OF MY REQUEST FOR FULL INTERVENTION AND A PROCEDURAL SCHEDULE THAT CONTAINS A BRIEFING SCHEDULE. THE BASIS FOR RECONSIDERATION IS AS FOLLOWS :

1. SINCE THE PSC HAS ESTABLISHED A PROCEDURAL SCHEDULE IN THIS CASE THAT DOES NOT ALLOW FOR INTERVENOR TESTIMONY AND THE PSC HAS DETERMINED THAT IN PAST CASES THAT I LACKED THE EDUCATIONAL AND PROFESSIONAL TRAINING TO TESTIFY AS AN EXPERT WITNESS, THIS ISSUE IS MOOT AND DOES NOT APPLY TO THIS CASE. THIS SHOULD NOT BE THE BASIS FOR A DENIAL OF A FULL INTERVENTION REQUEST.

2. THE PSC BELIEVES THAT MY INTEREST IN THIS CASE IS NOT ANY DIFFERENT THAN ANY OTHER RESIDENTIAL CUSTOMER. I DISAGREE. LOOKING AT THE NUMBER OF ISSUES, THERE ARE LIKELY MANY DIFFERENT POSITIONS ON THE ISSUES TAKEN BY RESIDENTIAL CUSTOMERS. FOR EXAMPLE :

A. I HAVE TAKEN THE POSITION THAT A HEA SHOULD HAVE A PORTION OF THE ASSISTANCE FOR RESIDENTIAL CUSTOMERS THAT DO NOT MEET THE LOW INCOME CRITERIA.

B. I HAVE TAKEN A POSITION THAT THE REVENUE SHOULD BE ALLOCATED TO THE VARIOUS COUNTIES IN THE LG&E TERRITORY ON THE BASIS OF THE NUMBER OF CUSTOMERS THAT RESIDE IN THESE COUNTIES AND THE REVENUE THE TARIFF GENERATES IN EACH OF THOSE COUNTIES. OTHER RESIDENTIAL CUSTOMERS DO NOT EVEN KNOW HOW MHNA/ POWER SPENT THE FUNDS IN THE 5 YEAR LG&E ASSISTANCE FROM THE TRIMBLE COUNTY SETTLEMENT.

C. THERE HAS NOT BEEN ANY SURVEY OF RESIDENTIAL CUSTOMERS TO DETERMINE WHAT THEIR POSITIONS ARE ON HEA ISSUES. THERE HAVE BEEN NUMEROUS LETTERS IN FAVOR OF AND OPPOSED TO VARIOUS ISSUES IN THE HEA. THE POSITIONS I HAVE TAKEN HAVE NOT AGREED WITH ALL THE CONCERNS. THE PAST LG&E HEA CASES DEMONSTRATED THAT I HAVE TAKEN DIFFERENT POSITIONS THAN OTHER LG&E RESIDENTIAL CUSTOMERS.

3. I HAVE ASSISTED THE COMMISSION IN PREVIOUS CASES BY RAISING ISSUES IN DATA REQUESTS, IN QUESTIONS AT THE HEARINGS AND IN POST HEARING BRIEFS. FOR EXAMPLE IN THE PAST LG&E HEA CASE, IN MY POST HEARING BRIEF, I COMPILED DATA FROM VARIOUS DATA RESPONSES TO SHOW A PATTERN OF BIAS (IN MY OPINION) OF HEA FUNDS TOWARDS JEFFERSON COUNTY VERSUS THE OTHER LG&E COUNTIES IN THE LG&E SERVICE AREA, IN THE LG&E HEA THAT WAS A RESULT OF THE TRIMBLE COUNTY SETTLEMENT.

4. I HAVE BEEN THE ONLY RESIDENTIAL CUSTOMER TO GAIN FULL INTERVENTION IN NUMEROUS LG&E CASES WHICH DEALT WITH HEA ISSUES.

5. RECENTLY, BOTH LG&E AND MHNA / POWER HAVE FILED MOTIONS TO PREVENT THEMSELVES FROM HAVING TO ANSWER THE MADISON DATA REQUEST IN THIS CASE. THIS ISSUE HAS ARISEN DUE TO THE PSC DECISION TO ONLY GRANT MYSELF LIMITED INTERVENTION. THE PSC WILL HAVE TO MAKE A DECISION, PRESUMABLY BEFORE THE DATA REQUEST DUE DATE. IF THE JOINT APPLICANTS ARE REQUIRED TO ANSWER THE DATA REQUEST, THEY WILL MOST LIKELY NOT BE PREPARED TO FILE THE ANSWERS WITHIN THE TIMETABLE ON THE ESTABLISHED PROCEDURAL SCHEDULE. A DECISION WILL THEN HAVE TO BE MADE ON WHETHER TO REQUEST A HEARING AND OR INFORMAL CONFERENCE BASED ON POSSIBLY INCOMPLETE DATA REQUESTS.

THE PSC SHOULD GRANT MYSELF FULL INTERVENTION BECAUSE I HAVE A SPECIAL INTEREST IN THIS CASE THAT IS NOT OTHERWISE ADEQUATELY REPRESENTED AND MY FULL INTERVENTION IS LIKELY TO PRESENT ISSUES AND DEVELOP FACTS THAT WILL ASSIST THE COMMISSION IN FULLY CONSIDERING THE MATTER WITHOUT UNDULY COMPLICATING OR DISRUPTING THE PROCEEDING.

6. BRIEFS SHOULD BE INCLUDED IN A PROCEDURAL SCHEDULE. IF THERE IS A HEARING, THERE SHOULD BE AN OPPORTUNITY TO FILE POST HEARING BRIEFS WITH 14 DAYS NOTICE. IF NO HEARING IS HELD, A BRIEFING SCHEDULE, WITH 14 DAYS NOTICE AT THE CONCLUSION OF THE CASE, SHOULD BE ALLOWED.

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DATE: 15 SEP 2004

I CERTIFY THAT ON 15 SEP 2004, COPIES OF THIS RECONSIDERATION
REQUEST WAS MAILED, REGULAR MAIL, TO ALL PARTIES OF RECORD.

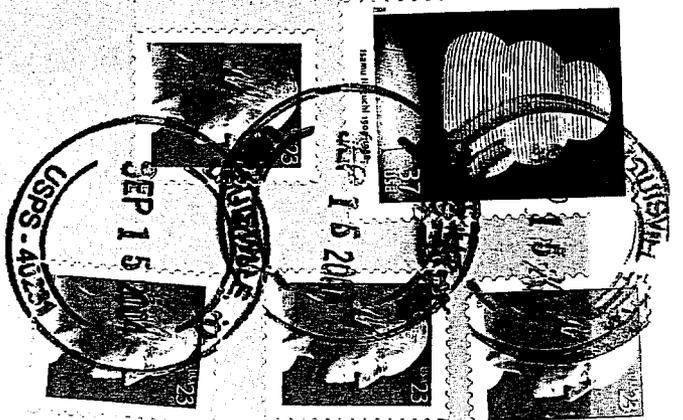
SINCERELY,

A handwritten signature in black ink that reads "Robert L. Madison". The signature is written in a cursive style with a large initial 'R' and 'M'.

ROBERT L. MADISON
5407 BAYWOOD DRIVE
LOUISVILLE KY 40241-1318
HOME PHONE: (502) 241-5079

ROBERT L. MADISON
5407 BAYWOOD DRIVE
LOUISVILLE KY 40241-1318

BETH O' DONNELL
PUBLIC SERVICE COMMISSION
CASE NO. 2004-304
211 SOWER BOULEVARD
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